

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
ASSOCIATION OF PUBLIC SAFETY)
COMMUNICATIONS OFFICIALS)
INTERNATIONAL, INC., AND FORESTRY)
CONSERVATION COMMUNICATIONS)
ASSOCIATION)
)
Request to Set Aside or Revoke the Grant)
of the License of Chandler Fire Department for)
Station WPQB602, Chandler, Oklahoma)
)
and)
)
CHANDLER FIRE DEPARTMENT)
)
Licensee of Public Safety Pool Station WPQB602,)
Chandler, Oklahoma)

ORDER

Adopted: February 28, 2002

Released: March 1, 2002

By the Acting Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On August 3, 2001, the Chief of the Public Safety and Private Wireless Division (Division) of the Wireless Telecommunications Bureau issued a Memorandum Opinion and Order (MO&O) proposing to modify the frequencies assigned to Station WPQB602, Chandler Oklahoma. The station licensee, Chandler Fire Department (Chandler), protested the modification in accordance with the provisions of Section 1.87(a) of the Commission's Rules. There has now been a resolution of the matter and, therefore, we terminate this proceeding as moot and vacate the MO&O.

2. Station WPQB602 was licensed to Chandler for operation on frequencies 151.250 MHz and 159.450 MHz (subject frequencies). These frequencies had mistakenly been coordinated by the Association of Public Safety Communications Officials International, Inc. (APCO) rather than the Forestry Conservation Communications Association (FCCA), as required by the Commission's Rules.

1 In the Matter of Association of Public Safety Communications Officials International, Inc., and Forestry Conservation Communications Association, Request to Set Aside or Revoke the Grant of the License of Chandler Fire Department for Station WPQB602, Chandler, Oklahoma, Memorandum Opinion and Order, 16 FCC Rcd 14926 (WTB PSPWD 2001) (Chandler MO&O).

2 See Letter from James R Hugueley, Fire Chief, Chandler Fire Department, Chandler, Oklahoma to D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Bureau (Aug. 16, 2001) (Protest).

3 Chandler MO&O, 16 FCC Rcd at 14929 ¶ 8.

Consent from the FCCA, as the exclusive certified frequency coordinator for these frequencies, was necessary.⁴ Consent was not given, however, because use of the subject frequencies by Chandler caused harmful interference to the State of Oklahoma's wide-area forest fire suppression operations on the subject frequencies under call sign KA5112.⁵ The Division proposed to modify Chandler's license because of the serious interference caused by Chandler's operations to Oklahoma's statewide system.⁶ The proposed modification consisted of changing the frequencies assigned for use by Chandler's Station WPQB602 from 151.250 MHz and 159.450 MHz to 153.740 MHz and 155.070 MHz, respectively, and reducing the authorized effective radiated power (ERP) from 300 watts to 50 watts.⁷

3. On August 16, 2001, Chandler submitted a timely protest opposing the proposed modification to its license.⁸ In view of Chandler's protest, negotiations were held among the interested parties, *i.e.*, Chandler Fire Department, Oklahoma State Forestry Division, FCCA, APCO, and Division staff. As a result of those negotiations, the FCCA determined that the subject station's ERP could be increased to 150 W on 153.740 MHz and 155.070 MHz without causing harmful interference to other stations operating in the vicinity.⁹ Chandler then filed an application for license modification to change the frequencies upon which it conducts operations, increase the power of its station, and move the transmitter location.¹⁰ On December 18, 2001, the Licensing and Technical Analysis Branch, Public Safety and Private Wireless Division, granted Chandler's modification.¹¹

4. This matter is now satisfactorily resolved, and the public interest has been served. The integrity of Oklahoma's statewide forestry communications network has been maintained, and Chandler's operations on the new frequencies will not impair the state's forest fire suppression efforts. The modification of Chandler's license to change frequencies, increase power and move the antenna site -- as well as the negotiated agreement with the state -- ensure that Chandler's communications requirements will be met. Since Chandler's license has already been modified, this proceeding is moot. Therefore, the *MO&O* will be vacated and this proceeding will be terminated.¹²

5. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.87(a) of the Commission's Rules, 47 C.F.R. § 1.87(a) the *Memorandum Opinion and Order* proposing to modify the license of the Chandler Fire Department and released on August 3, 2001, IS hereby VACATED.

6. IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.87(a) of the Commission's Rules, 47 C.F.R. § 1.87(a) that this proceeding IS TERMINATED.

⁴ See 47 C.F.R. § 90.20(c)(3). APCO and FCCA initiated this proceeding by filing a Request to Set Aside or Revoke the License for Station WPQB602 on January 26, 2001.

⁵ *Chandler MO&O*, 16 FCC Rcd at 14927, 14928-29 ¶¶ 4, 6.

⁶ *Id.* at 14929 ¶ 8.

⁷ *Id.* at 14930 ¶ 11.

⁸ See Protest.

⁹ See Letter from John D. Lane, Esq., Counsel for FCCA to John J. Schauble, Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Bureau (Sept. 20, 2001).

¹⁰ FCC File No. 0000672417.

¹¹ *Id.*

¹² See *A.L. Mechling Barge Lines, Inc. v. United States*, 368 U.S. 324 (1961); *American Family Life Assurance Co. v. FCC*, 129 F. 3d 625 (D.C. Cir. 1997); *Classic Telephone, Inc., Order*, 15 FCC Rcd 25101 (2000).

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Barry J. Ohlson
Acting Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau